

Message Text

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PAGE 01 GENEVA 04222 082036Z

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 OIC-04 COA-02 EB-11 JUSE-00 INT-08

COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 AGR-20 ACDA-19

AEC-11 CG-00 FMC-04 EPA-04 CEQ-02 SCI-06 AF-10 ARA-16

EA-11 EUR-25 NEA-10 RSC-01 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

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E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS:SUBCOMMITTEE I, WG MEETING, AUGUST 6

1. SUMMARY: WG REVIEWED ARTICLES ON FUNDAMENTAL PRINCIPLES PURPOSES AND POWERS AND FUNCTIONS OF AUTHORITY AND BEGAN CONSIDERATION OF SOVIET DRAFT PREAMBLE. END SUMMARY.

2. SUBCOMMITTEE CONSIDERED ARTICLES XXVI, XXVII, XXVIII DEALING WITH FUNDAMENTAL PRINCIPLES, PURPOSES AND POWERS AND FUNCTIONS OF AUTHORITY WHICH HAD BEEN PASSED OVER DURING FIRST READING OF MACHINERY SECTION.

3. ART XXVI (FUNDAMENTAL PRINCIPLES OF THE FUNCTIONING OF AUTHORITY.) US REP ASKED THAT ARTICLE PROVIDING THAT AUTHORITY SHOULD MAINTAIN RELATIONS WITH MEMBER STATES, AND NOT WITH PUBLIC AND PRIVATE ENTERPRISES, SHOULD BE DELETED ON GROUNDS IT IS INCONSISTENT WITH BOTH ENTERPRISE AND LICENSING CONCEPT. SEVERAL REPS PREFERRED TO FOOTNOTE ISSUE RATHER THAN DELETE ARTICLE. US REP UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 04222 082036Z

PROPOSED ADDITIONAL NEW PARA FOR ARTICLE XXVI: "AUTHORITY AND

ITS COMPONENT ORGANS SHALL EXERCISE ONLY THE POWERS AND FUNCTIONS AS ARE SPECIFICALLY AND EXPLICITLY CONFERRED UPON IT BY THESE ARTICLES." PERU ASKED THAT THIS PROVISION BE DELETED. CHINESE REP URGED THAT PARA 4 OF ART. XXVI UNDER WHICH AUTHORITY WOULD ACT IN ACCORDANCE WITH APPLICABLE RULES AND PRINCIPLES OF INTERNATIONAL LAW BE DELETED. HE ARGUED ARTICLE DUPLICATES ART. 6 (OF PRINCIPLE SECTION) BUT DOES NOT ADEQUATELY REFLECT CHINESE PROPOSALS IN THAT ARTICLE. USSR REP SUPPORTED CHINESE PROPOSAL TO DELETE PARA 4. WG AGREED TO THIS.

4. ART. XXVII (PURPOSES OF THE AUTHORITY). US REP POINTED OUT THAT VIRTUALLY ALL PROVISIONS CONTAINED IN XXVII ARE SUBSTANTIALLY COVERED IN OTHER ARTICLES AND THEREFORE ARTICLE SHOULD BE DELETED ENTIRELY. FRANCE AND USSR SUPPORTED US. CHINESE REP PROPOSED NEW INITIAL PARA FOR ARTICLE XXVII: "THE AUTHORITY SHALL WORK FOR THE BENEFIT OF MANKIND AS A WHOLE." CHINESE REP FURTHER ASKED THAT HEADING OF ART. XXIII (A) BE CHANGED TO READ: "NATURE OF THE AUTHORITY". HE PROPOSED FOLLOWING NEW TEXT FOR ART. XXIII TO REPLACE PRESENT TEXT XXIII (A): "THE AUTHORITY SHALL BE AN ORGANIZATION WHEREIN SOVEREIGN STATES JOINTLY MANAGE THE INTERNATIONAL SEABEDS AREA AND ITS RESOURCES ON THE BASIS OF EQUALITY AND MUTUAL BENEFIT."

5. ART. XXVIII (POWERS AND FUNCTIONS OF AUTHORITY). UK REP STATED THAT, WITH ONE EXCEPTION, ALL PROVISIONS IN THIS ARTICLE HAVE BEEN TAKEN CARE OF ELSEWHERE. THE EXCEPTION WAS "APPLICABILITY OF RULES, STANDARDS AND PRACTICES" WHICH, HE SAID, SHOULD APPEAR AS SEPARATE ARTICLE. CHINESE REP STATED THAT THERE SHOULD BE SOME GENERAL PROVISION FOR AUTHORITY AND ARTICLE XXVIII SHOULD BE RETAINED FOR FIRST READING. JAPANESE PROPOSED THAT TITLE BE RETAINED BUT TEXT DELETED ON THE UNDERSTANDING THAT A NEW TEXT WOULD BE FORMULATED AT LATER POINT IF NECESSARY. THIS WAS AGREED TO BY WG.

6. USSR REP NOTED EARLIER SOVIET PROPOSAL THAT THERE BE A PROVISION THAT RIGHTS GRANTED TO AUTHORITY OR FUNCTIONS EXERCISED BY THE AUTHORITY SHOULD NOT MEAN THAT AUTHORITY HAS JURISDICTION OVER AREA OR GIVE AUTHORITY RIGHTS OR LEGAL GROUNDS TO CONSIDER AREA AS OWNED, POSSESSED, OR USED BY IT OR ITS DISPOSAL. USSR REP ASKED THAT WG EXAMINE THIS PROPOSAL.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 04222 082036Z

7. U.S. REP STATED THAT WG HAD NOT COMPLETED FIRST READING OF ALL ISSUES. HE SAID THAT, IN US VIEW, RULES AND REGULATIONS GOVERNING LICENSING MUST BE AN INTEGRAL PART OF TREATY AND THERE IS A GREAT DEAL OF WORK TO DO ON THIS ISSUE. IN ADDITION, THERE MAY BE NEED FOR TRANSITIONAL ARTICLES, DEFINITION ARTICLE AND ARTICLE ON TREATY AMENDMENT.

8. USSR REP RECALLED THAT HIS DELEGATION HAD PROPOSED DRAFT PREAMBLE TO TREATY AND ARTICLE ON THE STATUS OF INSTALLATIONS USED FOR EXPLORATION AND EXPLOITATION. HE FURTHER STATED USSR HAD JUST SUBMITTED ARTICLE ON SEABED LIMITS AND HE ASKED THAT WG BE PREPARED TO CONSIDER THESE.

9. REMAINDER OF WG SESSION DEVOTED TO CONSIDERATION OF USSR PREAMBLE, IN RESPONSE TO COMMENTS ABOUT THE USSR PROPOSED PREAMBLE MADE BY ALGERIA AND UK, USSR REP SAID HE WOULD CONSIDER AMENDMENT TO SOVIET DRAFT PREAMBLE REGARDING BENEFITS FOR LDCS. HE FURTHER STATED THAT HE UNDERSTOOD PROBLEM FOR THOSE COUNTRIES THAT HAD NOT RATIFIED SEABED ARMS CONTROL TREATY BUT HE FELT SURE THAT AS MORE AND MORE STATES RATIFIED TREATY, PROBLEM WOULD BE RESOLVED. AS TO WHETHER THERE WOULD BE A SINGLE CONVENTION OR SEVERAL CONVENTIONS, HE NOTED THAT UN RES 2750 (C) PROVIDES FOR A SEPARATE SEABEDS TREATY BUT STATED THAT IF SINGLE CONVENTION IS ADOPTED, USSR TEXT COULD BECOME PART OF OVERALL TREATY PREAMBLE. POLAND SUPPORTED SOVIET PREAMBLE BUT NOTED THAT SOME SMALL ADJUSTMENTS

SHOULD BE MADE. CHINESE REP SAID SEVERAL POINTS OF SOVIET TEXT ARE UNACCEPTABLE BUT POSTPONED SUBSTANTIVE DISCUSSION UNTIL NEXT SESSION. JAMAICAN REP INDICATED HE MIGHT WISH TO REWRITE ENTIRE SOVIET TEXT.

10. US REP SAID THAT PROVISION OF SOVIET PREAMBLE DEALING WITH SEABED ARMS CONTROL TREATY EXCEEDS MANDATE OF SUBCOMMITTEE I AND SHOULD BE CONSIDERED ONLY BY MAIN COMITE, SINCE COMITE'S CHAIRMAN HAD RESERVED TO MAIN COMITE PRIMARY RESPONSIBILITY FOR PEACEFUL USES AND SINCE SCOPE OF SEABEDS ARMS CONTROL TREATY WAS NOT RESTRICTED TO AREA. THIS PROVOKED STRONG REACTION FROM SOVIETS WHO REJECTED CONTENTION. FURTHER DISCUSSION WAS POSTPONED UNTIL NEXT SESSION.

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PAGE 04 GENEVA 04222 082036Z

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